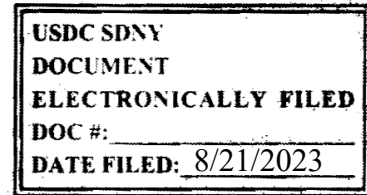


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HOWARD SCHATZ, et al.,

Plaintiffs,

23-CV-05361 (PAE)(SN)

-against-

ORDER

BINARY BITS LLC,

Defendant.

-----X
SARAH NETBURN, United States Magistrate Judge:

On August 16, 2023, the Honorable Paul A. Engelmayer referred this case to my docket for general pretrial supervision. Before the Court is Plaintiffs' motion to strike ECF No. 14. ECF No. 14 purports to be Defendant's answer to the complaint and was filed by Defendant's managing director, Antonio Evans. ECF No. 15. Plaintiffs' motion to strike is **DENIED**.

Rule 12(f) allows a court to strike from any pleading "any insufficient defense or any redundant, immaterial, impertinent or scandalous matter." Generally, a motion to strike is appropriate when "no evidence of the allegation would be admissible" or when a pleading's allegations are "devoid of factual basis." Weiss v. La Suisse, 131 F. Supp. 2d 446, 450 (S.D.N.Y. 2001) (citations omitted).

Plaintiffs' motion is premature. To litigate in federal court, corporate defendants must obtain counsel. See Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries, for example, that a corporation may appear in the federal courts only through licensed counsel."). To date, Defendant Binary Bits LLC has failed to appear through counsel and Antonio Evans does not

appear to be a licensed attorney. Accordingly, Defendant is directed to obtain counsel by September 15, 2023, and respond to the complaint by October 15, 2023. The Court encourages Defendant to contact the NYLAG Legal Clinic at 212-659-6190 to receive free legal assistance. Plaintiffs' counsel is directed to serve this Order on *pro se* Defendant and file proof of same on the docket.

Finally, the parties are encouraged to engage in good-faith settlement discussions and are reminded that they may contact Courtroom Deputy Rachel Slusher at Rachel_Slusher@nysd.uscourts.gov to schedule a settlement conference.

The Clerk of Court is respectfully directed to close ECF No. 15.

SO ORDERED.


SARAH NETBURN
United States Magistrate Judge

DATED: August 21, 2023
New York, New York